

November 18th, 2009

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Notice of *Ex Parte* Presentation in MB Docket No 08-82

Ms. Dortch,

On November 17th Susan Cleary, Vice President & General Counsel, Independent Film and Television Alliance and Claudia James, Principal, Podesta Group met with William Lake, Chief, Media Bureau; Robert Ratcliffe, Deputy Bureau Chief, Media Bureau; Nancy Murphy, Associate Bureau Chief, Media Bureau; and Brendan Murray, Attorney Advisor, Policy Division, Media Bureau to discuss IFTA's opposition to the MPAA's request for a waiver of the selectable output control prohibition. IFTA pointed out that the waiver is discriminatory and that the petitioner has not met its burden. We noted that there is inadequate data in the record on the necessity of the waiver to address copyright piracy issues. IFTA also noted that this proposed service is not a new service since several studios have already provided this service without the waiver of the selectable output control prohibition and provided two articles describing these offerings. We reviewed the arguments in the IFTA comments and in its November 10, 2009 letter both filed in the docket. Additionally we explained IFTA's membership's difficulty in securing distribution of their products and also described various release windows for films. IFTA noted that the waiver would diminish access to films that are produced independently and damage the public's interest in expanded availability of programming.

Sincerely,


Claudia James, Podesta Group

cc: William Lake, Chief, Media Bureau
cc: Robert Ratcliffe, Deputy Bureau Chief, Media Bureau
cc: Nancy Murphy, Associate Bureau Chief, Media Bureau
cc: Brendan Murray, Attorney Advisor, Policy Division, Media Bureau